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Int. No. 138

By Council Members Dromm, Garodnick, Barron, Chin, Ferreras-Copeland, King, Koo, Mendez and Rodriguez

A Local Law to amend the administrative code of the City of New York and the New York City Charter, in relation to the disciplinary decisions made by the Commissioner of the New York City Police Department.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 14-115 of the administrative code of the city of New York is amended to read as follows:

a. (1) The commissioner shall have power, in his or her discretion, on conviction by the commissioner, or by any court or officer of competent jurisdiction, of a member of the force of any criminal offense, or neglect of duty, violation of rules, or neglect or disobedience of orders, or absence without leave, or any conduct injurious to the public peace or welfare, or immoral conduct or conduct unbecoming an officer, or any breach of discipline, to punish the offending party by reprimand, forfeiting and withholding pay for a specified time,

suspension, without pay during such suspension, or by dismissal from the force; but no more than thirty days' salary shall be forfeited or deducted for any offense. All such forfeitures shall be paid forthwith into the police pension fund.

(2) (i) Where the punishment imposed by the commissioner or his or her deputies is different than the punishment recommended in the findings and recommendation reports of the New York City Police Department Deputy Commissioner of Trials, or the Civilian Complaint Review Board, the commissioner shall, within thirty days of the imposition of such penalty, submit to the entity that provided the recommendation report, a written explanation stating the specific reasons for the commissioner's decision to deviate from the recommended penalty or finding, provided, however, that such written explanation need not be provided within thirty days if so doing would interfere with any ongoing investigations. In cases where such written explanation is delayed due to an ongoing investigation, the written explanation shall be provided as soon as is practicable, and shall include an explanation of the reason for the delay.

(ii) The department shall make all such written statements available to the Commission to Combat Police Corruption and the Commission to Combat Police Corruption shall provide an analysis of such statements in its annual report.

(iii) The department shall post all such written statements on the department's website, without any officer identifying information, immediately upon their submission to the relevant entity as provided in subparagraph (i) of this paragraph.

(iv) Failure to comply with any of the provisions of this paragraph shall not result in the invalidation of any punishment imposed nor should any of the provisions of this paragraph be construed to create a private right of action to enforce its provisions.

§2. Paragraph 6 of subdivision c and paragraph 3 of subdivision d of section 440 of chapter 18-A of the New York City Charter are amended to read as follows:

c. Powers and duties of the board.

(6) The board shall issue to the mayor and the city council a semi-annual report which shall describe its activities and summarize its actions. Such report shall include a section evaluating the written statements issued by the police commissioner pursuant to section 14-115(a)(2) of the administrative code.

d. Cooperation of police department.

(3) The police commissioner shall report to the board on any action taken in cases in which the board submitted a finding or recommendation to the police commissioner with respect to a complaint. Such report shall include a written explanation stating the specific reasons for any deviation from the board's penalty recommendations or findings, pursuant to section 14-115(a)(2) of the administrative code.

§3. This local law shall take effect immediately.

CJG  
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