Legislation Details (With Text)

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Title: A Local Law to amend the administrative code of the city of New York, in relation to the enforcement of criminal and civil offenses

Sponsors: Melissa Mark-Viverito, Helen K. Rosenthal, Ritchie J. Torres, Vanessa L. Gibson, Mark Levine, Laurie A. Cumbo, Ydanis A. Rodriguez, Stephen T. Levin, Donovan J. Richards, Jumaane D. Williams, Annabel Palma, Daniel R. Garodnick, Mathieu Eugene, Ruben Wills, Brad S. Lander

Indexes: Report Required

Attachments: 1. Legislative History Report, 2. Summary of Int. No. 1057-A, 3. Summary of Int. No. 1057, 4. Int. No. 1057 - 2/5/16, 5. Committee Report 1/25/16, 6. Hearing Testimony 1/25/16, 7. Hearing Transcript 1/25/16, 8. February 5, 2016 - Stated Meeting Agenda with Links to Files, 9. Proposed Int. No. 1057-A - 5/24/16, 10. Committee Report 5/25/16, 11. Hearing Transcript 5/25/16, 12. May 25, 2016 - Stated Meeting Agenda with Links to Files, 13. Fiscal Impact Statement, 14. Int. No. 1057-A (FINAL), 15. Hearing Transcript - Stated Meeting 5-25-16, 16. Mayor's Letter, 17. Minutes of the Stated Meeting - May 25, 2016, 18. Local Law 71

Date	Ver.	Action By	Action	Result
1/25/2016	*	Committee on Public Safety	P-C Item Laid Over by Comm	
1/25/2016	*	Committee on Public Safety	Hearing on P-C Item by Comm	
2/5/2016	*	City Council	Introduced by Council	
2/5/2016	*	City Council	Referred to Comm by Council	
5/25/2016	*	Committee on Public Safety	Hearing Held by Committee	
5/25/2016	*	Committee on Public Safety	Amendment Proposed by Comm	
5/25/2016	*	Committee on Public Safety	Amended by Committee	
5/25/2016	A	Committee on Public Safety	Approved by Committee	Pass
5/25/2016	A	City Council	Approved by Council	Pass
5/25/2016	A	City Council	Sent to Mayor by Council	
6/13/2016	A	Mayor	Hearing Held by Mayor	
6/13/2016	A	Mayor	Signed Into Law by Mayor	
6/13/2016	A	City Council	Recved from Mayor by Council	

Int. No. 1057-A

By The Speaker (Council Member Mark-Viverito) and Council Members Rosenthal, Torres, Gibson, Levine, Cumbo, Rodriguez, Levin, Richards, Williams, Palma, Garodnick, Eugene, Wills and Lander

A Local Law to amend the administrative code of the city of New York, in relation to the enforcement of criminal and civil offenses

Be it enacted by the Council as follows:

Section 1. Section 1-112 of the administrative code is amended by adding a new subdivision 22 to read as follows:

22. "Notice of violation". An instrument charging a person or entity with violation of a local law or rule. "Notice of violation" shall be deemed to include a "civil summons", "a summons for a civil violation" and a "notice of hearing".

§ 2. Section 14-101 of title 14 of the administrative code of the city of New York is amended to read as follows:

§ 14-101 Definitions. As used in this title, the following [words shall] terms have the following meanings:

Civil enforcement. The term "civil enforcement" means the issuance of a civil summons.

Civil summons. The term "civil summons" means a civil notice of violation.

[a. "Commissioner"] Commissioner. The term "commissioner" [shall] means the commissioner of the [police] department [of the city].

Criminal enforcement. The term "criminal enforcement" means the charging of a misdemeanor or violation.

Criminal summons. The term "criminal summons" means an appearance ticket issued by the department pursuant to article 150 of the criminal procedure law that is an accusatory instrument pursuant to article 100 of the criminal procedural law, and returnable to the criminal court.

[b. "Department"]Department. The term department [shall] means the police department of the city of New York.

Desk appearance ticket. The term "desk appearance ticket" means an appearance ticket issued by the department pursuant to article 150 of the criminal procedure law that is not an accusatory instrument pursuant

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to article 100 of the criminal procedure law.

Specified unlawful act. The term "specified unlawful act" means an act that violates any of the following provisions: subdivision b of section 10-125 of the code, subdivision 1 of section 16-118 of the code, subdivision 6 of section 16-118 of the code with respect to the act of public urination, subdivision a of section 24-218 of the code, section 18-146 of the code, section 18-147 of the code, and rules and regulations of the department of parks and recreation described in paragraph 9 of subdivision a of section 533 of the charter.

§ 3. Paragraph 4 of subdivision a of section 14-150 of title 14 of the administrative code, as amended by local law number 2 for the year 2014, is amended to read as follows:

4. A crime status report. Such report shall include the total number of crime complaints (categorized by class of crime, indicating whether the crime is a misdemeanor or felony) for each patrol precinct, including a subset of housing bureau and transit bureau complaints within each precinct; arrests (categorized by class of crime, indicating whether the arrest is for a misdemeanor or felony) for each patrol precinct, housing police service area, transit district, street crime unit and narcotics division; summons activity (categorized by type of summons, indicating whether the summons is a parking violation, moving violation, environmental control board notice of violation, or criminal [court] summons) for each patrol precinct, housing police service area and transit district; domestic violence radio runs for each patrol precinct; average response time for critical and serious crimes in progress for each patrol precinct; overtime statistics for each patrol borough and operational bureau performing an enforcement function within the police department, including, but not limited to, each patrol precinct, housing police service area, transit district and patrol borough street crime unit, as well as the narcotics division, fugitive enforcement division and the special operations division, including its subdivisions, but shall not include internal investigative commands and shall not include undercover officers assigned to any command. Such report shall also include the total number of major felony crime complaints for properties under the jurisdiction of the department of parks and recreation, pursuant to the following timetable:

1. Beginning January first, two thousand fourteen, the thirty largest parks, as determined by acreage;

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2. Beginning June first, two thousand fourteen, the one hundred largest parks, as determined by acreage;

3. Beginning January first, two thousand fifteen, the two hundred largest parks, as determined by acreage;

4. Beginning January first, two thousand sixteen, the three hundred largest parks, as determined by acreage;

5. Beginning January first, two thousand seventeen, all parks one acre or greater in size; and

6. Beginning January first, two thousand eighteen, all public pools, basketball courts, recreation centers, and playgrounds that are not located within parks one acre or greater in size.

The department shall conspicuously post all quarterly reports of major felony crime complaints for properties under the jurisdiction of the department of parks and recreation online via the department's website within five business days of the department's submission of such reports to the council.

§ 4. Paragraph 5 of subdivision a of section 14-150 of title 14 of the administrative code, as added by local law number 55 for the year 2001, is amended to read as follows:

5. A report based on the information provided in the department's Stop, Question and Frisk Report Worksheet and any successor form or worksheet. Such report shall include the number of stop, question and frisks for each patrol precinct, housing police service area, transit district, street crime unit and narcotics division; a breakdown of the number of stop, question and frisks by race and gender for each patrol precinct, housing police service area, transit district, street crime unit and narcotics division; the number of suspects arrested or issued a criminal summons as indicated on each stop, question and frisk report for each patrol precinct, housing police service area, transit district, street crime unit and narcotics division; a breakdown by race and gender of the suspects arrested or issued a criminal summons as indicated on each stop, question and frisk report for each patrol precinct, housing police service area, transit district, street crime unit and narcotics division; a listing, by category, of the factors leading to the stop, question and frisk for each patrol precinct, housing police service area, transit district, street crime unit and narcotics division, with a breakdown by race

and gender for each listed factor; and a summary of complaints of violent felony crime for each patrol precinct, with a breakdown by race and gender of the suspect as identified by the victim.

§ 5. Subdivision b of section 14-152 of the administrative code, as added by local law number 6 for the year 2011, is amended to read as follows:

b. Report of activity relating to schools. The department shall submit to the council on a quarterly basis, a report based on data reflecting criminal summons, arrest, and non-criminal incident activity from the preceding quarter. Such report shall be disaggregated by patrol borough and include, at a minimum:

1. the number of individuals arrested and/or issued a criminal summons by school safety agents or police officers assigned to the school safety division of the New York city police department;

2. in those cases where arrests were made or criminal summonses were issued: (i) the charges (including penal law section or other section of law), and (ii) whether the charge was a felony, misdemeanor or violation; and

3. the number and type of non-criminal incidents that occurred.

§ 6. Paragraph 5 of subdivision a of section 14-150 of title 14 of the administrative code, as added by local law number 55 for the year 2001, is amended to read as follows:

5. A report based on the information provided in the department's Stop, Question and Frisk Report Worksheet and any successor form or worksheet. Such report shall include the number of stop, question and frisks for each patrol precinct, housing police service area, transit district, street crime unit and narcotics division; a breakdown of the number of stop, question and frisks by race and gender for each patrol precinct, housing police service area, transit district, street crime unit and narcotics division; the number of suspects arrested or issued a criminal or civil summons as indicated on each stop, question and frisk report for each patrol precinct, housing police service area, transit district, street crime unit and narcotics division; a breakdown by race and gender of the suspects arrested or issued a criminal or civil summons as indicated on each stop, question and frisk report for each patrol precinct, housing police service area, transit district, street

crime unit and narcotics division; a listing, by category, of the factors leading to the stop, question and frisk for each patrol precinct, housing police service area, transit district, street crime unit and narcotics division, with a breakdown by race and gender for each listed factor; and a summary of complaints of violent felony crime for each patrol precinct, with a breakdown by race and gender of the suspect as identified by the victim.

§ 7. Subdivision b of section 14-152 of the administrative code, as added by local law number 6 for the year 2011, is amended to read as follows:

b. Report of activity relating to schools. The department shall submit to the council on a quarterly basis, a report based on data reflecting criminal summons, civil summons, arrest, and non-criminal incident activity from the preceding quarter. Such report shall be disaggregated by patrol borough and include, at a minimum:

1. the number of individuals arrested and/or issued a criminal summons by school safety agents or police officers assigned to the school safety division of the [New York city police] department;

2. in those cases where arrests were made or criminal summonses were issued: (i) the charges (including penal law section or other section of law), and (ii) whether the charge was a felony, misdemeanor or violation;

3. the number of individuals issued a civil summons by school safety agents or police officers assigned to the school safety division of the department; and

[3.] 4. the number and type of non-criminal incidents that occurred.

§ 8. The administrative code of the city of New York is amended by adding a new section 14-155 to read as follows:

§14-155 Enforcement criteria.

a. Declaration of legislative findings and intent. The Council has analyzed the application of criminal and civil enforcement in numerous low-level offenses. Based upon this analysis, the Council has identified concerns with the use of criminal enforcement for many of these offenses and has concluded that criminal enforcement of these offenses should be used only in limited circumstances and that, in the absence of such circumstances, civil enforcement should be utilized. Therefore, the Council finds that it would be productive for

the Police Department to communicate to its officers and to the public guidance regarding the important determination whether to utilize civil or criminal enforcement in particular instances.

b. The department shall provide guidance to its uniformed officers with respect to determining whether to utilize civil enforcement or criminal enforcement, or both, for any individual who commits a specified unlawful act. Such guidance shall be made publicly available. Nothing contained in this subdivision or in the administration or application hereof shall be construed as creating:

1. a right to be subject to civil or criminal enforcement or prosecution in connection with any alleged specified unlawful act; or

2. a private right of action on the part of any persons or entity against the city of New York, the department, or any official or employee thereof.

§ 9. This local law takes effect immediately, except that paragraph 5 of subdivision a of section 14-150 of the administrative code, as amended by section 6 of this local law, subdivision b of section 14-152 of the administrative code, as amended by section 7 of this local law, and section 14-155 of the administrative code, as added by section 8 of this local law, take effect 1 year after such sections become law, provided that paragraph 5 of subdivision a of section 14-150 of the administrative code, as amended by section 4 of this local law, and subdivision b of section 14-152 of the administrative code, as amended by section 5 of this local law, are deemed repealed 1 year after this local law takes effect.

BC
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