Legislation Details (With Text)

File #:	Int 0516-2007 **Version:** A	**Name:**	Requiring the police department to submit reports concerning the discharge of firearms to the council.
Type:	Introduction	**Status:**	Enacted
		In control:	Committee on Public Safety
On agenda:	2/1/2007		
Enactment date:	1/21/2009	**Enactment #:**	2009/001

Title: A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to submit reports concerning the discharge of firearms.

Sponsors: Peter F. Vallone, Jr., Simcha Felder, Lewis A. Fidler, Helen D. Foster, James F. Gennaro, Vincent J. Gentile, Letitia James, G. Oliver Koppell, John C. Liu, Melissa Mark-Viverito, Darlene Mealy, Michael C. Nelson, James Sanders, Jr., Albert Vann, David I. Weprin, Alan J. Gerson, Miguel Martinez, David Yassky, Gale A. Brewer, Melinda R. Katz, Robert Jackson, Helen Sears, Daniel R. Garodnick, Thomas White, Jr., Betsy Gotbaum

Indexes:

Attachments: 1. Int No 516 - 2/1/07, 2. Proposed Int. No. 516-A 5/5/08, 3. Committee Report 5/5/08, 4. Hearing Testimony 5/5/08, 5. Hearing Transcript 5/5/08, 6. Committee Report 1/6/09, 7. Hearing Transcript 1/6/09, 8. Fiscal Impact Statement, 9. Mayor's Letter, 10. Hearing Transcript - Charter Meeting 1/7/09, 11. Local Law

Date	Ver.	Action By	Action	Result
2/1/2007	*	City Council	Introduced by Council	
2/1/2007	*	City Council	Referred to Comm by Council	
5/5/2008	*	Committee on Public Safety	Hearing Held by Committee	
5/5/2008	*	Committee on Public Safety	Amendment Proposed by Comm	
5/5/2008	*	Committee on Public Safety	Laid Over by Committee	
1/6/2009	*	Committee on Public Safety	Hearing Held by Committee	
1/6/2009	*	Committee on Public Safety	Amendment Proposed by Comm	
1/6/2009	*	Committee on Public Safety	Amended by Committee	
1/6/2009	A	Committee on Public Safety	Approved by Committee	Pass
1/7/2009	A	City Council	Approved by Council	Pass
1/7/2009	A	City Council	Sent to Mayor by Council	
1/21/2009	A	Mayor	Hearing Held by Mayor	
1/21/2009	A	Mayor	Signed Into Law by Mayor	
1/21/2009	A	City Council	Recved from Mayor by Council	

Int. No. 516-A

By Council Members Vallone Jr., Felder, Fidler, Foster, Gennaro, Gentile, James, Koppell, Liu, Mark-Viverito, Mealy, Nelson, Sanders Jr., Vann, Weprin, Gerson, Martinez, Yassky, Brewer, Katz, Jackson, Sears, Garodnick, White Jr. and The Public Advocate (Ms. Gotbaum)

A Local Law to amend the administrative code of the city of New York, in relation to requiring the police

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department to submit reports concerning the discharge of firearms.

Be it enacted by the Council as follows:

Section 1. Section 14-150 of the administrative code of the city of New York is amended by adding a new subdivision b, by relettering subdivision b as subdivision c, and by amending new subdivision c to read as follows:

b. The New York city police department shall submit to the city council on an annual basis a firearms discharge report, which shall include substantially the same information and data categories, disaggregated in substantially the same manner, as the department's 2007 Annual Firearms Discharge Report. It shall also include, at a minimum, in tabular form:

1. The number of firearms incidents disaggregated by (i) day of week; (ii) tour; (iii) borough; (iv) month; (v) precinct; (vi) number of incidents that occurred outside New York city; and (vii) on-duty or off-duty status of officer.

2. The total number of firearms incidents for the year of the report and the year preceding the report, as well as the percentage change between the two years, and disaggregated by (i) intentional discharge - adversarial conflict; (ii) intentional discharge - animal attack; (iii) unintentional discharge; and (iv) unlawful use of firearm.

3. For all firearms incidents for the year of the report and the year preceding the report, both the raw number for each year and the percentage change between the two years, for each of the following categories (i) the total number of officers firing; (ii) the total number of shots fired; (iii) the total number of officers shot and injured by a subject; (iv) the total number of officers shot and killed by a subject; (v) the total number of subjects shot and injured by an officer; and (v) the total number of subjects shot and killed by an officer.

4. The number of intentional firearms incidents disaggregated by incidents in which (i) a subject used or threatened the use of a firearm; (ii) a subject used or threatened the use of a cutting instrument; (iii) a subject used or threatened the use of a blunt object; (iv) a subject used or threatened the use of overwhelming physical force; (v) an officer perceived a threat of other deadly physical force; (vi) a dog attack was involved; and (vii) an

attack by an animal other than a dog was involved.

5. The number of firearms incidents disaggregated by (i) unintentional discharge during adversarial conflict; (ii) unintentional discharge while handling a firearm; (iii) suicide; (iv) unlawful intentional discharge; and (v) unauthorized person discharging officer's firearm.

6. For each firearms incident determined to fall within the category of Intentional Discharge - Adversarial Conflict: (i) an indication of whether or not a firearm was fired by a subject; (ii) an indication of whether the: subject used or threatened the use of a firearm, subject used or threatened the use of a cutting instrument, subject used or threatened the use of a blunt object, subject used or threatened the use of overwhelming physical force, or an officer perceived threat of other deadly physical force; (iii) whether or not the weapon possessed or used by a subject or subjects is known, and if known, the type of weapon used or possessed by the subject; (iv) the total number of officers who fired; (v) the total number of shots fired by officers; (vi) the number of shots fired per officer; (vii) the objective completion rate of the incident; (viii) the number of subjects; and (ix) for each subject, the age, race and gender of the subject.

7. A synopsis of each firearms incident resulting in the death of either a subject or an officer.

8. For purposes of this section, the following terms shall have the following meanings: (i) "firearms incident" means any incident during which one or more New York city police officers discharge any firearm, or when a firearm belonging to a New York city police officer is discharged by any person, except for a discharge during an authorized training session, or while lawfully engaged in target practice or hunting, or at a firearms safety station within a department facility; (ii) "subject" means a person engaged in adversarial conflict with an officer or third party, in which the conflict results in a firearms discharge; (iii) "civilian" means a person who is not the subject in the adversarial conflict but is included as a victim, bystander, and/or injured person; (iv) "officer" means a uniformed member of the department, at any rank; (v) "intentional firearms discharge" means a firearms discharge in which an officer intentionally discharges a firearm, which may include firearms discharges that are determined to be legally justified but outside department guidelines; (vi) "adversarial

conflict" means an incident in which an officer acts in defense of self or another during an adversarial conflict with a subject and does not include an animal attack or situations in which an officer only intentionally discharges a firearm to summon assistance; (vii) "unintentional firearms discharge" means a firearms discharge in which an officer discharges a firearm without intent, regardless of the circumstance, commonly known as an accidental discharge; and (viii) "unauthorized use of a firearm" means a firearms discharge that is considered unauthorized and is not listed as an intentional firearms discharge, is being discharged without proper legal justification, and includes instances when an unauthorized person discharges an officer's firearm.

[b]c. The information, data and reports requested in subdivisions a and b shall be provided to the council except where disclosure of such material could compromise the safety of the public or police officers or could otherwise compromise law enforcement operations. Notwithstanding any other provision of law, the information, data and reports requested in subdivisions a and b are not required to be transmitted in electronic format to the department of records and information services, or its successor agency, and are not required to be made available to the public on or through the department of records and information services' web site, or its successor's web site. These reports shall be provided to the council within 30 days of the end of the reporting period to which the reports correspond or for which the relevant data may be collected, whichever is later. Where necessary, the department may use preliminary data to prepare the required reports and may include an acknowledgment that such preliminary data is non-final and subject to change.

§2. This local law shall become effective sixty days after its enactment into law.

12/11/08
7:15 pm
O.P.