Legislation Details (With Text)

File #:	Res 1538-2021	**Version:**	A	**Name:**	Remove the NYC Police Commissioner's exclusive authority over police discipline. (S5252/A6012)
Type:	Resolution			**Status:**	Adopted
				In control:	Committee on Public Safety
On agenda:	2/11/2021				
Enactment date:				**Enactment #:**	

Title: Resolution calling on the New York State Legislature to pass, and the Governor to sign, S5252/A6012, which would remove the New York City Police Commissioner's exclusive authority over police discipline.

Sponsors: Laurie A. Cumbo, Stephen T. Levin, Helen K. Rosenthal, James G. Van Bramer, Ben Kallos, I. Daneek Miller, Karen Koslowitz, Costa G. Constantinides, Farah N. Louis, Margaret S. Chin, Carlina Rivera, Alicka Ampry-Samuel, Inez D. Barron

Indexes:

Attachments: 1. Res. No. 1538, 2. Committee Report 2/16/21, 3. Hearing Testimony 2/16/21, 4. Hearing Transcript 2/16/21, 5. February 11, 2021 - Stated Meeting Agenda with Links to Files, 6. Hearing Transcript - Stated Meeting 2-11-21, 7. Minutes of the Stated Meeting - February 11, 2021, 8. Proposed Res. No. 1538-A - 3/24/21, 9. Committee Report 3/25/21, 10. Hearing Transcript 3/25/21, 11. Committee Report - Stated Meeting, 12. March 25, 2021 - Stated Meeting Agenda with Links to Files, 13. Hearing Transcript - Stated Meeting 3-25-21, 14. Minutes of the Stated Meeting - March 25, 2021

Date	Ver.	Action By	Action	Result
2/11/2021	*	City Council	Introduced by Council	
2/11/2021	*	City Council	Referred to Comm by Council	
2/16/2021	*	Committee on Public Safety	Laid Over by Committee	
2/16/2021	*	Committee on Public Safety	Hearing Held by Committee	
3/25/2021	*	Committee on Public Safety	Amendment Proposed by Comm	
3/25/2021	*	Committee on Public Safety	Amended by Committee	
3/25/2021	A	Committee on Public Safety	Approved by Committee	Pass
3/25/2021	*	Committee on Public Safety	Hearing Held by Committee	
3/25/2021	A	City Council	Approved, by Council	Pass

Res. No. 1538-A

Resolution calling on the New York State Legislature to pass, and the Governor to sign, S5252/A6012, which would remove the New York City Police Commissioner's exclusive authority over police discipline.

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

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, S5252/A6012, sponsored by Senator Jamaal T. Bailey and Assembly Member Catalina Cruz, would remove the Police Commissioner's discretion to modify or reject a determination or recommendation made by the CCRB; and

Whereas, In addition, S5252/A6012 would provide due process and a fair and impartial determination of civilian complaints by a hearing officer who is independent of the Police Department; and

powered by Legistar™

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, S5252/A6012, which would remove the New York City Police Commissioner's exclusive authority over police discipline.

LS # 9759
3/22/21 8:35PM