



Legislation Details (With Text)

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Title: A Local Law to amend the administrative code of the city of New York, relation to requiring the New York City Police Department to report information and data regarding the department operations

Sponsors: Farah N. Louis, Nantasha M. Williams, Charles Barron, Kristin Richardson Jordan, Carmen N. De La Rosa, Lincoln Restler, Crystal Hudson

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Attachments: 1. Summary of Int. No. 948, 2. Int. No. 948, 3. March 2, 2023 - Stated Meeting Agenda, 4. Hearing Transcript - Stated Meeting 3-2-23, 5. Committee Report 3/27/23, 6. Hearing Testimony 3/27/23, 7. Hearing Transcript 3/27/23, 8. Minutes of the Stated Meeting - March 2, 2023

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| 3/2/2023 | * | City Council | Introduced by Council | |
| 3/2/2023 | * | City Council | Referred to Comm by Council | |
| 3/27/2023 | * | Committee on Public Safety | Hearing Held by Committee | |
| 3/27/2023 | * | Committee on Public Safety | Laid Over by Committee | |

Int. No. 948

By Council Members Louis, Williams, Barron, Richardson Jordan, De La Rosa, Restler and Hudson

A Local Law to amend the administrative code of the city of New York, relation to requiring the New York City Police Department to report information and data regarding the department operations

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 to read as follows:

§ 14-150 Police Department Reporting Requirements. a. Each month, [T]the New York City Police Department shall submit to the city council, and post on its website, [on a quarterly basis], the following [materials,] data and reports in a machine-readable format:

1. [All academy, in-service, roll-call and other specialized department training materials and

amendments thereto distributed to cadets, recruits, officers and other employees of the department, except where disclosure of such material would reveal non-routine investigative techniques or confidential information or where disclosure could compromise the safety of the public or police officers or could otherwise compromise law enforcement investigations or operations.]

[3] A report detailing the number of uniformed personnel and civilian personnel assigned to each and every 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, for each school operated by the department of education to which school safety agents are assigned, the number of school safety agents, averaged for the quarter, assigned to each of those schools.

[4]2. 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 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 complaints of all sex offenses as defined in article 130 of the New York state penal law, in total and disaggregated by the following offenses: rape as defined in sections 130.25, 130.30, and 130.35; criminal sexual act as defined in sections 130.40, 130.45, and 130.50; misdemeanor sex offenses as defined in sections 130.20, 130.52, 130.55, and 130.60; sexual abuse as defined in sections 130.65, 130.65-a, 130.66, 130.67, and 130.70; course of sexual conduct against a child as defined in sections 130.75 and 130.80; and predatory sexual assault as defined in sections 130.95 and 130.96. Such report shall also include the total number of major felony crime complaints for all 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;
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.]

[5]3. 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.

[6]4. A report, for each patrol precinct, housing police service area, transit district, street crime unit and narcotics division, of the number of summonses issued for moving violations, with a breakdown by race and gender. Such report shall be generated using data provided by the State Department of Motor Vehicles at such time as the State Department of Motor Vehicles amends its traffic summons to reflect such race and gender information.

[7]5. A report of the number of positions that are civilianizable, including a listing of each position by job title, and the number of positions that were civilianized. "Civilianizable" shall mean any position that does not require uniformed expertise.

6. A report on overtime usage for each patrol borough and operational bureau performing an enforcement or investigative function within the department, including but not limited to, each patrol precinct, housing police service area, transit district, patrol borough street crime unit, narcotics division, fugitive enforcement division, and the special operations division, including its subdivisions. Such information shall be further disaggregated by uniformed overtime spending by each of the following categories: parades; protests or demonstrations; street fairs; sports or entertainment events; other planned events; other unplanned events;

counter-terrorism activities; supplemental patrol; investigative work; new arrests; executing a search or arrest warrant; processing arrest or administrative work related to an enforcement action; attending court proceedings; other administrative duties relating to operations; training; and any other category as determined by the department, disaggregated by ranks of officers. For all overtime spending for planned or unplanned events, including but not limited to, parades, protests or demonstrations, street fairs, sports or entertainment events, the department shall provide a list of each event, and for each such event shall report on the total overtime spending and spending hours for that event, disaggregated by ranks of officers being paid; the numbers of officers assigned to the event, disaggregated by ranks; and the average number of overtime hours required for each such officer at the event.

[8]7. A report of the number of firearms, including ghost guns and firearms created using a three-dimensional printer, or any piece or part thereof, possessed in violation of law that have been seized, disaggregated by precinct and type of firearm. Such report shall also include, disaggregated by precinct: (i) the number of arrests made and type of crimes charged involving firearms possessed in violation of law, including arrests for the distribution and sale of such firearms; and (ii) the total number and type of firearms recovered in the course of arrests made.

b. The New York city police department shall submit to the city council, and post on its website, on a [n annual] quarterly basis a firearms discharge report, which shall include, but need not be limited to, the following information for the prior quarter [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] reporting period and the same period

during the prior year [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] quarter and the percentage change between the two quarters, 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: (a) "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;

(b) "subject" means a person engaged in adversarial conflict with an officer or third party, in which the conflict results in a firearms discharge;

(c) "civilian" means a person who is not the subject in the adversarial conflict but is included as a victim, bystander, and/or injured person;

(d) "officer" means a uniformed member of the department, at any rank;

(e) "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;

(f) "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;

(g) "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;

(h) "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;

(i) "frame or receiver" means a part of a firearm that provides housing for the hammer, bolt or breechblock, and firing mechanism, and that is usually threaded at its forward portion to receive the barrel;

(j) "ghost gun" means any firearm that is assembled from a frame or receiver that has been marketed or sold, either individually or as part of a kit, as an unfinished frame or receiver that could be used to assemble a firearm;

(k) "three-dimensional printer" means a computer-driven machine capable of producing a three-dimensional object from a digital model by adding layers of material in succession; and

(l) "unfinished frame or receiver" means a piece of any material that does not constitute the frame or receiver of a firearm but that has been shaped or formed in any way for the purpose of becoming the frame or receiver of a firearm with modification by the user.

c. The information, data and reports requested in subdivisions a and b shall be provided to the council, and posted on the department's website in machine-readable format, 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]15 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.

d. The New York city police department shall submit to the city council[, the governor, the temporary president of the state senate and the speaker of the state assembly], and post on its website, a quarterly [annually a] report detailing the total number of criminal complaints and arrests, categorized by class of crime,

for violent felony offenses as defined in section 70.02 of the penal law, assault and related offenses as defined in article one hundred twenty of the penal law, sex offenses as defined in article one hundred thirty of the penal law, disorderly conduct as defined in section 240.20 of the penal law, harassment as defined in section 240.25 and 240.26 of the penal law, aggravated harassment as defined in section 240.30 and 240.31 of the penal law, and offenses against public sensibilities as defined in article two hundred forty-five of the penal law, where the conduct occurs on subway lines and bus routes operated by the New York city transit authority or the Staten Island rapid transit operating authority, specifying where such criminal conduct has occurred by police precinct, including specific subway line, subway transit division, and bus route operated by the New York city transit authority or the Staten Island rapid transit operating authority. Such report shall contain a separate tabulation for employees of the authority, passengers and other non-employees. Such report shall specify which bus routes had the greatest number of criminal complaints and arrests. Such statistics shall be tabulated on a monthly basis and on an annual basis and shall be maintained and transmitted in an electronic format to the department of records and information services, or its successor agency, and be made available to the public on or through the department of records and information services' website, or its successor's website. Such statistics shall be first made available on such website ninety days after the effective date of this subdivision and shall be updated on at least a monthly basis thereafter.

e. Report on domestic violence factors. [a]1. For the purposes of this subdivision, the following terms have the following meanings:

Chronic domestic violence case. The term "chronic domestic violence case" means crimes determined by the department to be related to domestic violence that involve a chronic offender.

Chronic offender. The term "chronic offender" means a perpetrator who has been arrested three or more times in an 18-month period for a crime determined by the department to be related to domestic violence.

Domestic violence. The term "domestic violence" means any crime as determined by the department, not including those done in self-defense, when committed against a family or household member as determined

by the department.

Perpetrator. The term "perpetrator" means a person who has or who is alleged to have committed domestic violence.

[b]2. Beginning [June 1, 2019]January 1, 2024, and [annually] monthly thereafter, the department shall submit to the mayor and speaker of the council and shall post on its website, a [annual] report regarding certain domestic violence initiatives, indicators, and factors in the city. Such report shall include, but need not be limited to the following:

1. The total number of domestic violence complaints, disaggregated by precinct;
2. The total number of chronic domestic violence complaints, disaggregated by borough;
3. The total number of domestic violence offenders, disaggregated by precinct;
4. The total number of chronic offenders, disaggregated by precinct;
5. The scope of outreach efforts by the department to victims of domestic violence in cases where a perpetrator violates an order of protection issued by a court of competent jurisdiction; and
6. Any other interventions by the department that relate to domestic violence.

f. Training materials. Each quarter the department shall provide the city council, and post on its website, all academy, in-service, roll-call and other specialized department training materials and amendments thereto distributed to cadets, recruits, officers and other employees of the department, except where disclosure of such material would reveal non-routine investigative techniques or confidential information or where disclosure could compromise the safety of the public or police officers or could otherwise compromise law enforcement investigations or operations.

§ 2. This local law takes effect immediately.

JDK
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2/10/23