



Legislation Text

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Int. No. 1333

By Council Members Adams, Levin, Rosenthal, Lander, Richards, the Public Advocate (Mr. Williams), Salamanca, Lancman, Reynoso, Moya, King, Cabrera, Gibson and Chin

A Local Law to amend the administrative code of the city of New York, in relation to reporting on any use of force incident occurring in a department of social services/human resources administration office

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-142 to read as follows:

§ 21-142 Use of force incidents in agency offices. a. As used in this section, the following terms have the following meanings:

Agency office. The term "agency office" means a job center, food stamp office, medical assistance program office or other part, subdivision, field office or satellite facility of the department or an office that the department contracts with for the administration of benefits or services offered or provided by the department.

Basis for encounter. The term "basis for encounter" means the conduct, offense or reason that formed the basis for the initial approach by a police officer or peace officer that led to a use of force incident.

Injury. The term "injury" means any physical harm caused to a person's body as a result of a use of force incident, and consists of the following categories: (i) physical injury, such as minor swelling, contusion, laceration, abrasion or complaint of substantial contracted pain; (ii) substantial physical injury, such as a significant contusion or laceration that requires sutures or any injury that requires treatment at a hospital emergency room; and (iii) serious physical injury, such as a broken or fractured bone, gunshot wound, heart attack, stroke, or any injury requiring hospital admission.

Peace officer. The term “peace officer” means an individual as established by article 2 of the criminal procedure law that works for the department and is charged with promoting security within agency offices.

Use of force incident. The term “use of force incident” means any instance where a police officer or a peace officer responds to an incident or condition and takes action in a manner intended to have an immediate effect on the body of another person, and consists of the following categories: (i) the use of hand strikes, foot strikes, forcible take-downs or the wrestling of the subject to the ground; (ii) the discharge of oleoresin capsicum spray; (iii) the deployment of a conducted electrical weapon; (iv) the use of a mesh restraining blanket to secure an individual; (v) the intentional striking of a person with any object, including a baton or other equipment; (vi) a police canine bite; and (vii) the use of physical force that is readily capable of causing death or serious physical injury, including the discharge of a firearm.

b. No later than August 1, 2019, and no later than 30 days after the end of each quarter thereafter, the department shall post on its website and deliver to the council a report on use of force incidents in agency offices for the preceding quarter. Such report shall include the following information for each use of force incident:

1. The date on which the use of force incident occurred;
2. The agency office where the use of force incident occurred;
3. The category of use of force incident;
4. Whether or not the peace officer was on duty at the time of the use of force;
5. The number and category of injuries to a peace officer;
6. The number and category of injuries to a civilian;
7. The basis for encounter; and
8. Whether or not an arrest was made.

c. The reports produced pursuant to subdivisions b shall be stored permanently and shall be accessible from the department's website.

§ 2. Section 14-158 of the administrative code of the city of New York, is amended by adding a new subdivision e to read as follows:

e. In addition to the reports required in subdivisions b and c, the department shall post on its website and submit to the council a separate report on use of force incidents that occur in a job center, food stamp office, medical assistance program office or other part, subdivision, field office or satellite facility of the department of social services/human resources administration or an office that the department of social services/human resources administration contracts with for administration of benefits or services offered or provided at department of social services/human resources administration offices. No later than August 1, 2019, and no later than 30 days after the end of each quarter thereafter, the department shall post on its website and submit to the council a report on such use of force incidents for the preceding quarter. Such report shall include the following information for each use of force incident:

1. The date on which the use of force incident occurred;
2. The location where the use of force incident occurred;
3. The category of use of force incident;
4. The precinct or other departmental unit to which the police officer who used force was assigned;
5. Whether or not the police officer was on duty at the time of the use of force;
6. The number and category of injuries as defined in subdivision b to a police officer;
7. The number and category of injuries as defined in subdivision b to a peace officer;
8. The number and category of injuries as defined in subdivision b to a civilian;
9. The basis for encounter, as defined in subdivision a of section 14-159; and
10. Whether or not an arrest was made.

§ 3. This local law takes effect immediately.

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