



Legislation Text

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Int. No. 2440-A

By Council Members Adams, Louis, Cumbo, Dinowitz Rose, Rosenthal, Brooks-Powers and Kallos (by request of the Mayor)

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to authorizing the civilian complaint review board to initiate complaints

Be it enacted by the Council as follows:

Section 1. Paragraphs 1, 2 and 5 of subdivision c of section 440 of the New York city charter, paragraph 1 as amended by local law number 47 for the year 2021, and paragraphs 2 and 5 as amended by a vote of the electors on November 5, 2019, are amended to read as follows:

1. The board shall have the power to receive, investigate, hear, make findings and recommend action upon complaints by members of the public or complaints initiated by the board against members of the police department that allege misconduct involving excessive use of force, abuse of authority including bias-based policing and racial profiling, discourtesy, or use of offensive language, including, but not limited to, slurs relating to race, ethnicity, religion, gender, sexual orientation and disability. The board shall also have the power to investigate, hear, make findings and recommend action regarding the truthfulness of any material official statement made by a member of the police department who is the subject of a complaint received or initiated by the board, if such statement was made during the course of and in relation to the board's resolution of such complaint. The findings and recommendations of the board, and the basis therefor, shall be submitted to the police commissioner. No finding or recommendation shall be based solely upon an unsworn complaint or statement, nor shall prior unsubstantiated, unfounded or withdrawn complaints be the basis for any such finding or recommendation.

2. The board shall promulgate rules of procedure in accordance with the city administrative procedure act, including rules that prescribe the manner in which investigations are to be conducted and recommendations made and the manner by which, [a] when a member of the public is the complainant, such member of the public is to be informed of the status of his or her complaint. Such rules may provide for the establishment of panels, which shall consist of not less than three members of the board, which shall be empowered to supervise the investigation of matters within the board's jurisdiction pursuant to this section, and to hear, make findings and recommend action on such matters. No such panel shall consist exclusively of members appointed by the council, or designated by the police commissioner, or appointed by the mayor.

5. The board is authorized, within appropriations available therefor, to appoint such employees as are necessary to exercise its powers, including but not limited to the power to initiate complaints in accordance with paragraph 1 of this subdivision, and fulfill its duties. The board shall employ civilian investigators to investigate all matters within its jurisdiction.

§ 2. Paragraph ii of subdivision a of section 14-190 of the administrative code of the city of New York, as amended by local law number 47 for the year 2021, is amended to read as follows:

(ii) complaints received and initiated by, and results of investigations based on such complaints conducted by, the civilian complaint review board pursuant to section 440 of the charter;

§ 3. This local law takes effect on the same date as sections 1 through 4 of local law number 47 for the year 2021 take effect, except that the New York city civilian complaint review board may take such measures as are necessary or appropriate for the implementation of this local law, including the promulgation of rules, before such date.