File #: Int 0863-2026, **Version:** *

Int. No. 863

By Council Members Cabán, Hudson and Louis

A Local Law to amend the administrative code of the city of New York, in relation to establishing procedures for public notice and comment on certain policies implemented by the police department

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-199.4 to read as follows:

§ 14-199.4 Public notice and comment on certain police department policies.

a. Definitions. For the purposes of this section, the following terms have the following meanings:

Covered policy. The term "covered policy" means any written department policy, order, or directive that is intended for broad application, has a meaningful impact on how officers interact with members of the public or enforce laws, and for which there are limits or guidelines established governing officer discretion in enforcing such policies. The term "covered policy" does not include anything that is a "rule" as such term is defined in section 1041 of the charter.

b. Prior to implementing or amending any covered policy the department shall follow the procedures for public notice and comment established by this section.

c. For each newly created covered policy, or amendment to an existing covered policy, the department shall:

1. publish on its website proposed text and a written justification for such policy, including reference to existing department procedures, and any relevant data supporting such policy, no fewer than 90 days prior to implementing such policy;

2. provide an opportunity for the public to submit comments on such policy for a period of no fewer than 45 days following publication of such policy;

3. review public comments and, in the discretion of the department, make appropriate revisions to the proposal; and

4. in the discretion of the department, adopt and publish a final policy, which shall include a written response addressing each public comment received, and an explanation of any changes that were made in response to public comments, no earlier than 45 days after the conclusion of public comment period established by paragraph 2 of this subdivision.

d. The department shall notify the speaker of the council, the public advocate, the comptroller, and the mayor, when publishing any proposal pursuant to paragraph 1 of subdivision c of this section, or adopting a final policy pursuant to paragraph 4 of subdivision c of this section.

e. Within 1 year of the effective date of the local law that added this section, the department shall identify all covered policies existing at the time of enactment, and publish such policies for public comment pursuant to the procedures established by subdivision c of this section.

§ 2. This local law takes 30 days after it becomes law.

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LS #5026/9688
4/15/26