S T A T E O F N E W Y O R K

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I N A S S E M B L Y

May 27, 2014

Introduced by M. of A. ABBATE -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to complaints against police officers

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The general municipal law is amended by adding a new section 209-ff to read as follows:

S 209-FF. COMPLAINTS AGAINST POLICE OFFICERS; LIMITATIONS. 1. NOTWITHSTANDING ANY GENERAL, SPECIAL OR LOCAL LAW TO THE CONTRARY, ANY COMPLAINT AGAINST A POLICE OFFICER THAT MAY LEAD TO DISCIPLINARY ACTION THAT IS MADE BY A PERSON THAT IS NOT A POLICE OFFICER SHALL BE SWORN TO, BEFORE AN OFFICIAL AUTHORIZED TO ADMINISTER OATHS, BY:

A. THE ALLEGED AGGRIEVED INDIVIDUAL;

B. ANY WITNESS; OR

C. THE PARENT OR GUARDIAN OF A MINOR CHILD, IF THE ALLEGED AGGRIEVED INDIVIDUAL IS A MINOR CHILD.

UNSWORN COMPLAINTS SHALL NOT BE INVESTIGATED, AND SHALL NOT LEAD TO ANY DISCIPLINARY ACTION AGAINST A POLICE OFFICER.

2. ANY COMPLAINT AGAINST A POLICE OFFICER THAT MAY LEAD TO DISCIPLINARY ACTION SHALL BE INITIATED WITHIN NINETY DAYS OF THE ALLEGED INCIDENT BY THE FILING OF A SWORN COMPLAINT BY THE INDIVIDUAL ALLEGED TO HAVE BEEN AGGRIEVED, OR BY A PARENT OR GUARDIAN, WHERE THE INDIVIDUAL ALLEGED TO HAVE BEEN AGGRIEVED IS A MINOR CHILD. ANY COMPLAINT THAT IS INITIATED AFTER NINETY DAYS SHALL NOT BE INVESTIGATED AND SHALL NOT LEAD TO DISCIPLINARY ACTION AGAINST A POLICE OFFICER.

3. FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

A. "DISCIPLINARY ACTION" SHALL MEAN ONE OR MORE OF THE FOLLOWING ACTIONS: DISMISSAL; DEMOTION; SUSPENSION; SUSPENSION WITHOUT PAY; WRITTEN REPRIMAND; OR PLACEMENT IN A MONITORING PROGRAM. DISCIPLINARY ACTION SHALL ALSO MEAN ONE OR MORE OF THE FOLLOWING ACTIONS WHERE SUCH ACTION IS TAKEN FOR PURPOSES OF PUNISHING A POLICE OFFICER FOR INCOMPETENCY OR MISCONDUCT: DENIAL OF PROMOTION; DENIAL OF DISCRETIONARY ASSIGNMENTS;

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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REASSIGNMENT; TRANSFER; CHANGE OF TOUR OR HOURS OF WORK; DENIAL OF OVERTIME OPPORTUNITIES; OR RESTRICTIONS ON OFF-DUTY EMPLOYMENT;

B. "POLICE OFFICER" SHALL HAVE THE MEANING PROVIDED BY SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW; AND

C. "MONITORING PROGRAM" SHALL MEAN ANY PROGRAM, SYSTEM OR STATUS IN WHICH A POLICE OFFICER IS PLACED SO THAT A POLICE DEPARTMENT CAN SUPERVISE AND MONITOR THE POLICE OFFICER'S PERFORMANCE FOR THE PURPOSE OF CORRECTING NEGATIVE BEHAVIOR OR IMPROVING PERFORMANCE. MONITORING PROGRAM SHALL NOT INCLUDE A STANDARD EVALUATION SYSTEM PURSUANT TO WHICH A POLICE OFFICERS' PERFORMANCE IS REGULARLY REVIEWED BY A POLICE DEPARTMENT ON A PERIODIC BASIS.

S 2. This act shall take effect immediately.