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

1648

2015-2016 Regular Sessions

I N A S S E M B L Y

January 12, 2015

Introduced by M. of A. WRIGHT -- read once and referred to the Committee on Codes

AN ACT to require the commissioner of police of a city having a population of one million or more persons to institute a demonstration program requiring the use of video recording devices which shall be worn as part of the required uniform of law enforcement personnel; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. In a city having a population of one million or more persons, the commissioner of police shall institute a demonstration program and formulate and adopt rules and procedures requiring the use of video recording devices which shall be worn as part of the required uniform of law enforcement personnel. Such use shall be required for the duration of a four year demonstration program which shall be implemented citywide. The commissioner of police shall consult with a panel as described herein to develop a process and schedule for precincts to be selected for participation and to establish the required capabilities of the recording devices. Such panel shall be limited to any agency or municipal or state department of competent jurisdiction and no less than three but no more than five not-for-profit organizations whose mission includes the protection of civil rights and criminal justice reform.

S 2. During the first phase of the demonstration program, commencing on October 1, 2016, at least twenty-five percent of all law enforcement precincts in each such city shall be required to participate in the demonstration program, provided, however, that the first phase shall include those precincts with arrest rates higher than the countywide average for the county in which they are located. By October 1, 2017, fifty percent of all law enforcement precincts in each such city shall be required to participate in the demonstration program and by October

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

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1, 2018, all law enforcement precincts in each such city shall be required to participate in the demonstration program.

S 3. No later than August first of each year during the demonstration program, the commissioner of police shall provide to the mayor, the local governing body, the office of the public advocate and the members of the state legislature a summary of the precincts that have been selected to participate in each phase. Such summary shall include historical data for each precinct, including arrest and demographic data for the covered communities, demographic data for the police department's personnel, statistical summaries of any and all civilian complaints filed against each precinct and/or its police officers and data detailing any civil legal costs attributed to each precinct during the preceding 24 month period.

S 4. The video recording devices required by this act shall be randomly assigned to the police officers at participating precincts at the start of each shift. At least twenty percent of police officers on duty for each shift shall be required to wear the devices. The police officers to whom the devices are assigned shall be required to turn on and maintain operation of the device during any interaction with a civilian while on duty. The commissioner of police shall establish any rules necessary to effectuate the provisions of this section provided however that such rules must provide for the routine testing of the video recording devices to ensure functional operation, remedies and appropriate sanctions for any attempts by a police officer to tamper with the operation of the devices.

S 5. On or before January thirty-first of each year of the demonstration program, the commissioner of police shall prepare and issue to the office of the mayor, the local governing body, the office of the public advocate, the state legislature and the governor, an annual report on the status of the demonstration program. Such report shall include, but shall not be limited to: the number and demographic data of all precincts participating in the program; the number of civilian complaints filed against the police officers of such precincts, the nature of such complaints and the resolution; and, to the extent allowable by law, a summary of the nature of any disciplinary actions taken against police officers in circumstances where material captured on a digital recording device was used in the investigation of a complaint and data detailing any civil legal costs attributed to each precinct.

S 6. This act shall take effect immediately and shall expire and be deemed repealed December 31, 2020.