

STATE OF NEW YORK

406

2017-2018 Regular Sessions

IN ASSEMBLY

January 9, 2017

Introduced by M. of A. M. G. MILLER -- read once and referred to the Committee on Cities

AN ACT to amend the New York city charter, in relation to establishing the civilian summons review board

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The New York city charter is amended by adding a new chapter 31-A to read as follows:

CHAPTER 31-A

CIVILIAN SUMMONS REVIEW BOARD

5 § 760. Civilian summons review board. a. An independent civilian summons review board is hereby established as a body comprised solely of members of the public with the authority to review summonses issued by employees of the department of sanitation as provided in this section.

9 1. The civilian summons review board shall consist of one chairperson and twelve additional members of the public appointed by the mayor, who shall be residents of the city of New York. All members of the board shall be appointed as follows:

13 (i) five members, one from each of the five boroughs, shall be designated by the city council;

15 (ii) three members with experience in public sanitation shall be designated by the sanitation department; and

17 (iii) the remaining five members, including the chairperson, shall be selected by the mayor.

19 No member of the board shall hold any other public office or employment.

21 2. The members shall be appointed for terms of three years, except that of the members first appointed, four shall be appointed for terms of one year, of whom one shall have been designated by the council and two shall have been designated by the department of sanitation, four shall be appointed for terms of two years, of whom two shall have been

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

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1 designated by the council, and five shall be appointed for terms of
2 three years, of whom two shall have been designated by the council and
3 one shall have been designated by the department of sanitation.

4 3. In the event of a vacancy on the board during the term of office of
5 a member by reason of removal, death, resignation, or otherwise, a
6 successor shall be chosen in the same manner as the original appoint-
7 ment. A member appointed to fill a vacancy shall serve for the balance
8 of the unexpired term.

9 4. The chairperson may appoint an executive director who shall manage
10 day to day operations.

11 b. 1. The board shall have the power to receive, investigate, hear,
12 make findings and recommend action upon complaints by members of the
13 public against employees of the sanitation department concerning the
14 issuance of summonses by such employees. The findings and recommenda-
15 tions of the board, and the basis therefor, shall be submitted to the
16 department of sanitation. No finding or recommendation shall be based
17 solely upon an unsworn complaint or statement, nor shall prior unsub-
18 stantiated, unfounded or withdrawn complaints be the basis for any such
19 finding or recommendation.

20 2. The board shall promulgate rules of procedure in accordance with
21 the city administrative procedure act, including rules that prescribe
22 the manner in which investigations are to be conducted and recommenda-
23 tions made and the manner by which a member of the public is to be
24 informed of the status of his or her complaint. Such rules may provide
25 for the establishment of panels, which shall consist of not less than
26 three members of the board, which shall be empowered to supervise the
27 investigation of complaints, and to hear, make findings and recommend
28 action on such complaints. No such panel shall consist exclusively of
29 members designated by the council, or designated by the department of
30 sanitation, or selected by the mayor.

31 3. The board, by majority vote of its members, may compel the attend-
32 ance of witnesses and require the production of such records and other
33 materials as are necessary for the investigation of complaints submitted
34 pursuant to this section.

35 4. The board is authorized, within appropriations available therefor,
36 to appoint such employees as are necessary to exercise its powers and
37 fulfill its duties. The board shall employ civilian investigators to
38 investigate all complaints.

39 5. The board shall have the responsibility of informing the public
40 about the board and its duties, and shall develop and administer an
41 ongoing program for the education of the public regarding the provisions
42 of this chapter.

43 c. 1. It shall be the duty of the department of sanitation to provide
44 such assistance as the board may reasonably request, to cooperate fully
45 with investigations by the board, and to provide to the board upon
46 request records and other materials which are necessary for the investi-
47 gation of complaints submitted pursuant to this section.

48 2. The commissioner of sanitation shall ensure that officers and
49 employees of the department of sanitation appear before and respond to
50 inquiries of the board and its civilian investigators in connection with
51 the investigation of complaints submitted pursuant to this section,
52 provided that such inquiries are conducted in accordance with department
53 procedures for interrogation of members.

54 3. The commissioner of sanitation shall report to the board on any
55 action taken in cases in which the board submitted a finding or recom-
56 mendation to the department of sanitation with respect to a complaint.

1 d. The provisions of this section shall not be construed to limit or
2 impair the authority of the department of sanitation to discipline
3 members of the department. Nor shall the provisions of this section be
4 construed to limit the rights of employees of the department of sanita-
5 tion with respect to disciplinary action, including but not limited to
6 the right to notice and a hearing, which may be established by any
7 provision of law or otherwise.

8 e. The provisions of this section shall not be construed to prevent or
9 hinder the investigation or prosecution of employees of the department
10 of sanitation for violations of law by any court of competent jurisdic-
11 tion, a grand jury, district attorney, or other authorized officer,
12 agency or body.

13 § 2. This act shall take effect on the one hundred twentieth day after
14 it shall have become a law.