STATE OF NEW YORK

10597

IN ASSEMBLY

June 5, 2020

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Ramos) -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to requiring police officers to report the misconduct of a police officer and requiring the division of criminal justice to establish a protocol to be followed by police agencies when handling and recording mandatory reports of misconduct by a police officer

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

Section 1. Section 837 of the executive law is amended by adding a new subdivision 23 to read as follows:

23. Promulgate a standardized and detailed written protocol to be followed by police agencies for the handling and recording of mandatory reports of misconduct by a police officer as required pursuant to section eight hundred thirty-seven-v of this article. The protocol shall include provisions protecting police officers who are mandated to report misconduct from retaliation against such officer as a result of filing such report. The division shall also promulgate a standardized "officer misconduct incident report form" for use by police agencies in the reporting, recording and investigation of all alleged incidents of officer misconduct, regardless of whether an arrest is made as a result of such investigation. Such form shall be prepared in multiple parts, one of which shall be immediately forwarded to the division, and shall include designated spaces for: the recordation of the results of the investigation by the police agency and the basis for any action taken; the recordation of the reporting officer's allegations of misconduct; and immediately thereunder a space on which the reporting officer shall sign and verify his or her allegations. Such protocol shall include provisions regarding the failure to report misconduct which, notwithstanding any provision of a labor contract to the contrary, shall authorize the police agency to terminate from employment and/or bring criminal charges against the officer who failed to report the misconduct.

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

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§ 2. The executive law is amended by adding a new section 837-v to read as follows:

§ 837-v. Mandatory reporting of misconduct. Every police officer shall be required to report in accordance with this section when he or she has reasonable cause to suspect that a police officer, acting in his or her professional or official capacity, has used excessive force or otherwise acted with misconduct. Whenever such officer is required to report under this section, he or she shall immediately notify his or her police agency, which then shall be responsible to forward such report to the division and to follow the protocol established by the division pursuant to subdivision twenty-three of section eight hundred thirty-seven of this article.

§ 3. This act shall take effect immediately.