

STATE OF NEW YORK

10907

IN ASSEMBLY

August 17, 2020

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

AN ACT to amend the administrative code of the city of New York, in relation to the establishment of a precinct commander appointment board in each police precinct in the city of New York for the purpose of evaluating and selecting the precinct commander for such police precinct

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

1 Section 1. The administrative code of the city of New York is amended
2 by adding a new section 14-185 to read as follows:

3 § 14-185 Precinct commander appointment board. 1. Notwithstanding the
4 provisions of section seventy of the civil service law, the borough
5 president of each borough in the city shall establish in each police
6 precinct of the city a precinct commander appointment board ("the
7 board") for the purpose of evaluating and selecting the precinct comman-
8 der for such police precinct. The board will establish appropriate
9 procedures and policies for the conduct of its affairs.

10 2. (a) Subject to the provisions of paragraph (b) of this subdivision,
11 each precinct commander appointment board shall be composed of eight
12 members as follows:

13 (i) the chair of the community board for the district in which the
14 respective police precinct is located;

15 (ii) the president of the community council for the district in which
16 the respective police precinct is located;

17 (iii) three police captains appointed by the commissioner, none of
18 whom shall be stationed at the respective precinct;

19 (iv) one person appointed by the borough president for the borough in
20 which the respective police precinct is located; and

21 (v) two persons appointed by a majority of the city council members
22 representing the district in which the respective police precinct is
23 located.

24 (b) In areas in which the New York City Housing Authority operates,
25 the precinct commander appointment board shall include a ninth member

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

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1 who shall be the chair of the New York City Housing Authority Tenant
2 Association for the area in which the respective police precinct is
3 located.

4 (c) The chair of the community board for the district in which the
5 respective police precinct is located shall serve as chair of the
6 precinct commander appointment board.

7 (d) A representative of the New York state department of civil service
8 shall serve as secretary to the precinct commander appointment board;
9 provided that such secretary shall not vote in the proceedings.

10 (e) All members of the precinct commander appointment board shall be
11 residents of the borough in which the precinct is located.

12 (f) Any vacancy in the membership of the precinct commander appoint-
13 ment board shall be filled in the same manner in which the original
14 appointment was made.

15 3. (a) Upon the occurrence of a vacancy in a police precinct commander
16 position, the commissioner shall notify the secretary of the precinct
17 commander appointment board for the respective precinct of the vacancy.
18 The commissioner or his or her delegee shall supply the board with the
19 names of prospective candidates for the position and with employment and
20 background information regarding each such candidate, as deemed neces-
21 sary by the board. The board, in its discretion, may consider other
22 candidates for the position. The board, through the secretary of the
23 board, shall immediately notify the commissioner of the name of any
24 alternative candidate. Any person whose name is put forth by the commis-
25 sioner or by the precinct commander appointment board shall have
26 attained a minimum rank of sergeant not less than one year prior to the
27 selection process to fill the precinct commander vacancy.

28 (b) In selecting the new precinct commander, the precinct commander
29 appointment board will give consideration to the examination from which
30 a candidate received permanent civil service status, the length of time
31 served in the candidate's present position and other related factors
32 which will be established and promulgated by the board.

33 (c) The precinct commander appointment board shall select the new
34 precinct commander by a majority vote of the entire board. A member of
35 the board may cast his or her vote by video teleconference or conference
36 call upon notice to the other members of the board by mail, email, text
37 or telephone call at least twelve hours before such meeting.

38 (d) Within thirty days of being notified of a vacancy in the precinct
39 commander position, the precinct commander appointment board shall
40 select the new precinct commander. The secretary of the board shall
41 immediately provide written notice to the commissioner of the board's
42 selection to fill the position. Such notice may be provided electron-
43 ically by email or facsimile.

44 4. Meetings of the precinct commander appointment board will be
45 convened by the chair of the board, who will provide the other members
46 of the board with not less than five days' notice of the date, time and
47 place of the meeting. Meetings may be conducted in full or in part by
48 video teleconference or conference call upon notice to all members of
49 the board and to the secretary of the board by mail, email, text or
50 telephone call at least twelve hours before such meeting.

51 5. No member of the precinct commander appointment board shall receive
52 any additional compensation from the state of New York or any of its
53 political subdivisions for any services rendered to the board nor any
54 expenses incurred in attendance at board meetings.

55 6. No member of a precinct commander appointment board shall be
56 disqualified from holding any other public office or employment, nor

1 shall he or she forfeit any such office or employment by reason of his
2 or her membership on a precinct commander appointment board, notwith-
3 standing the provisions of any general, special or local law, ordinance,
4 or city charter.

5 § 2. This act shall take effect on the ninetieth day after it shall
6 have become a law.