

STATE OF NEW YORK

1617

2021-2022 Regular Sessions

IN ASSEMBLY

January 11, 2021

Introduced by M. of A. PERRY -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the civil service law, in relation to the re-assignment of police officers pending certain investigations and hearings

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

1 Section 1. This act shall be known and may be cited as the "one bad
2 apple police bad behavior prevention law".

3 § 2. Section 75 of the civil service law is amended by adding a new
4 subdivision 3-b to read as follows:

5 3-b. Re-assignment of police officers pending investigation. (a) If a
6 video or other evidence exists identifying a police or peace officer
7 engaging in egregious behavior including, but not limited to, police
8 brutality, intimidation, racial profiling, planting or fabricating
9 evidence, unwarranted search and seizure, violating department proce-
10 dures, and abuse of authority, the commissioner of police, chief officer
11 of the department or any officer so authorized to execute such an order
12 shall relieve the officer of his or her weapon and badge, and assign the
13 officer to desk duty pending the investigation of and hearing and deter-
14 mination of charges of incompetency or misconduct.

15 (b) When an incident involving conduct described in paragraph (a) of
16 this subdivision occurs, the department shall conduct an expeditious
17 preliminary investigation to determine whether charges of incompetency
18 or misconduct should be brought against the officer. If the preliminary
19 investigation determines that charges should not be brought against the
20 officer, the department may restore the officer to full status and
21 return his or her weapon and badge. If the preliminary investigation
22 determines that charges should be brought against the officer, the
23 investigation and hearing of charges of incompetency or misconduct shall
24 proceed and the department shall not restore the officer to full status

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

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- 1 nor return his or her weapon and badge until a determination regarding
- 2 charges of incompetency or misconduct has been made.
- 3 § 3. This act shall take effect immediately and shall apply to cases
- 4 pending or arising on or after such effective date.