

STATE OF NEW YORK

3068

2021-2022 Regular Sessions

IN ASSEMBLY

January 22, 2021

Introduced by 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 Assem-
bly, do enact as follows:

1 Section 1. The administrative code of the city of New York is amended
2 by adding a new section 14-191 to read as follows:

3 § 14-191 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

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

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

4 (b) In areas in which the New York City Housing Authority operates,
5 the precinct commander appointment board shall include a ninth member
6 who shall be the chair of the New York City Housing Authority Tenant
7 Association for the area in which the respective police precinct is
8 located.

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

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

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

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

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

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

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

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

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

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

5 6. No member of a precinct commander appointment board shall be
6 disqualified from holding any other public office or employment, nor
7 shall he or she forfeit any such office or employment by reason of his
8 or her membership on a precinct commander appointment board, notwith-
9 standing the provisions of any general, special or local law, ordinance,
10 or city charter.

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