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 Assembly, do enact as follows:

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

§ 14-191 Precinct commander appointment board. 1. Notwithstanding the provisions of section seventy of the civil service law, the borough president of each borough in the city shall establish in each police precinct of the city a precinct commander appointment board ("the board") for the purpose of evaluating and selecting the precinct commander for such police precinct. The board will establish appropriate procedures and policies for the conduct of its affairs.

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

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

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

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

(iv) one person appointed by the borough president for the borough in 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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(v) two persons appointed by a majority of the city council members representing the district in which the respective police precinct is located.

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

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

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

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

(f) Any vacancy in the membership of the precinct commander appointment board shall be filled in the same manner in which the original appointment was made.

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

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

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

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

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

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

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

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